

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VOXER, INC. and VOXER IP LLC,

Plaintiffs,

v.

META PLATFORMS, INC. (F/K/A
FACEBOOK, Inc.) and INSTAGRAM LLC,

Defendants

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§
§
§
§
§
§
§

Civil Action No. A:20-cv-00655-LY

JURY TRIAL DEMANDED

JOINT [PROPOSED] VERDICT FORM

JURY VERDICT FORM

In answering the following questions, you are to follow the instructions I have given you in the Court's jury charge. **Your answers to each question must be unanimous.** Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer these questions in the Verdict Form.

The Asserted Patents may be referred to as follows:

| <u>U.S. Patent Number</u> | <u>Shorthand Term</u> |
|----------------------------------|------------------------------|
| 10,142,270 | '270 Patent |
| 10,511,557 | '557 Patent |

We, the jury, unanimously agree to the answers to the following questions and return them as our verdict in this case:

QUESTION 1: INFRINGEMENT

Did Voxer Inc. and Voxer IP LLC (collectively, “Voxer”) prove, by a preponderance of the evidence, that Meta Platforms, Inc. (formerly known as Facebook, Inc.) and Instagram LLC (collectively, “Facebook”) infringe one or more of the following claims of the Asserted Patents?

Check “Yes” or “No” for each claim.

*“Yes” is a finding for **Voxer**. “No” is a finding for **Facebook**.*

| '270 Patent | Facebook Live | | Instagram Live | |
|--------------------|----------------------|----------|-----------------------|----------|
| Claim 34 | YES _____ | NO _____ | YES _____ | NO _____ |
| Claim 47 | YES _____ | NO _____ | YES _____ | NO _____ |
| Claim 48 | YES _____ | NO _____ | YES _____ | NO _____ |
| Claim 51 | YES _____ | NO _____ | YES _____ | NO _____ |

| '557 Patent | Facebook Live | | Instagram Live | |
|--------------------|----------------------|----------|-----------------------|----------|
| Claim 1 | YES _____ | NO _____ | YES _____ | NO _____ |
| Claim 9 | YES _____ | NO _____ | YES _____ | NO _____ |

If you answered “NO” to all claims, please proceed to the final page of the Verdict Form.

If you answered “YES” to any claim, please proceed to Question 2.

QUESTION 2: INVALIDITY

Solely with respect to the claims for which you answered “YES” in Question 1, did Facebook prove, by clear and convincing evidence, that the one or more of those claims of the below-listed patents are invalid?

Check “Yes” or “No” for each claim that corresponds to a “YES” answer in Question 1.

*“Yes” is a finding for **Facebook**. “No” is a finding for **Voxer***

| | | | | |
|--------------------|-----|-------|----|-------|
| '270 Patent | | | | |
| Claim 34 | YES | _____ | NO | _____ |
| Claim 47 | YES | _____ | NO | _____ |
| Claim 48 | YES | _____ | NO | _____ |
| Claim 51 | YES | _____ | NO | _____ |
| '557 Patent | | | | |
| Claim 1 | YES | _____ | NO | _____ |
| Claim 9 | YES | _____ | NO | _____ |

If the answer for any claim is “NO”, please proceed to Question 3. Otherwise, please proceed to the final page of the Verdict Form.

| '270 Patent | Facebook Live | | | | Instagram Live | | | |
|--------------------|----------------------|--------------------------|----|--------------------------|-----------------------|--------------------------|----|--------------------------|
| Claim 34 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Claim 47 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Claim 48 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Claim 51 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

| '557 Patent | Facebook Live | | | | Instagram Live | | | |
|--------------------|----------------------|--------------------------|----|--------------------------|-----------------------|--------------------------|----|--------------------------|
| Claim 1 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
| Claim 9 | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |

Please proceed to the final page of the Verdict Form.

QUESTION 3(a): DAMAGES (IF APPLICABLE)

What sum of money do you find Voxer has proven it is entitled to for Facebook Inc. and Instagram LLC's infringement up through the date of this verdict?

\$_____.

QUESTION 3(b)(IF APPLICABLE)

Does this number represent a running royalty or a one-time lump sum? Please check one only.

___ Running Royalty

OR

___ Lump sum

Please proceed to Question 4.¹

¹ Should the Court grant Defendants' pending motion for summary judgement regarding willfulness, this instruction will be revised.

QUESTION 4: WILLFULNESS (IF APPLICABLE)²

If you found any patent claim infringed and not invalid under Questions 2, did Voxer prove, by a preponderance of the evidence, that Facebook's infringement of that patent claim was willful?

Check "Yes" or "No" for each claim.

*"Yes" is a finding for **Voxer**. "No" is a finding for **Facebook**.*

² Should the Court grant Defendants' pending motion for summary judgement regarding willfulness, this question will be revised.

FINAL PAGE OF THE JURY VERDICT

You have now reached the end of the Verdict Form and should review it to ensure it accurate reflects your unanimous determinations. The jury foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The jury foreperson should keep the Verdict Form and bring it when the jury is brought back to the court room.

Signed this _____ day of _____, 2022.

Jury Foreperson _____